IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3443 of 1991

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KANTIBHAI G PRADHAN - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MR PK PANCHOLI for Petitioner(s) : 1,
Ms. Archana Raval, AGP for Respondent(s) : 1 - 2.
RULE SERVED BY DS for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 30/11/2005

ORAL JUDGMENT

In this petition under Article 226 of the Constitution of India the petitioner has prayed for an appropriate writ, order,or direction restraining the respondents from preventing the petitioner from carrying on his activities of exhibiting prerecorded video films through cable lines.

2. This petition was directed to be heard along with Special Civil Application No. 3371 of 1991 and this Court is informed that the aforesaid Special Civil Application came to be disposed of by the Division Bench of this Court vide judgment and order dated 19th June 1991 which reads as under;

> "Following our judgment in Special Civil Application No. 1403/87 and other allied matters, this petition is partly allowed. Rule is made absolute to that extent only with no order as to costs. If the petitioners have not applied for any licence till today, then they shall do so within four weeks from today. The authorities, acting under the Indian Telegraph Act and the Indian Wireless Telegraphy Act are directed to dispose of the application within four weeks from the date of receipt of the application. Till then the authorities are directed not to prosecute the petitioner for maintaining and working his Video Cable Network on the ground that they are violating the provisions of the Indian Telegraph Act and the Indian Wireless Telegraphy Act."

3. Considering the aforesaid order passed by

the Division Bench of this Court, this petition is also required to be disposed of in terms of the aforesaid order and this petition is required to be partly allowed. If the petitioner has not applied for any licence till today, then the petitioner shall do so within four weeks from today. The authorities acting under the Indian Telegraph Act and the Indian Wireless Telegraphy Act are directed to dispose of the application within four weeks from the date of the application. Till then, the authorities are directed not to prosecute the petitioner for maintaining and running his Video Cable Network on the ground that they are violating the provisions of the Indian Telegraph Act and the Indian Wireless Telegraphy Act. Rule is made absolute to that extent only with no order as to costs.

[M.R. Shah, J.]

RMR.